



Frequently Asked Questions: Leaks & Releases

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RESOURCES

Wis. Admin. Code ATCP 93
http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93

Storage Tanks Website
https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx

Wisconsin Administrative Code ATCP 93 requires owners and operators of storage tank systems to take action if they experience conditions that indicate a possible release of a hazardous substance, such as fuel, into the environment. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has developed this list of frequently asked questions to assist owners and operators in understanding their obligations under the law.

What conditions do I need to watch for?

- Unusual operating conditions, such as erratic behavior or dispensers, loss of product for the tank system, or unexplained water in the tank
- Alarms, failed tests, or other results from your automatic tank gauge (ATG) or other leak detection method that indicate a release may have occurred
- The presence of contaminated soils or free product, dissolved phase product or vapors in soils, monitoring wells, basements, sewer or utility lines or nearby waters
- Inventory verification results that indicate your leak detection has failed

What if one of these conditions occurs?

You must confirm all suspected or obvious releases by doing one or all of the following:

- Have a precision tightness test of the entire tank system conducted by a Wisconsin registered Tank Specialty Firm and credentialed technician
 - A list of Wisconsin registered Tank Specialty Firms can be found on our website here:
<https://mydatcp.wi.gov/documents/dtcp/ListofTankSpecialtyFirmRegistrations.pdf>
- Have a tank-system site assessment conducted by a Wisconsin registered Tank Specialty Firm and credentialed technician

You should also contact your Weights and Measures Inspector. Contact information can be found on our [website](#).

When do I have to take action if one of these conditions occurs?

You must assess all suspected or obvious releases within 7 business days unless:

- System equipment or the monitoring device is found to be defective and is immediately repaired, re-calibrated or replaced, and additional monitoring does not confirm the initial result
- Inventory control is your method of leak detection, and the data is re-evaluated using an additional 7 days of data, and the re-evaluation does not show a loss

What's the difference between a leak and a release?

- A *leak* is any discharge of a regulated substance, such as fuel, from a point in a tank system or dispensing system, that is not intended to be a discharge or dispensing point
- A *release* is any discharge, including spilling, leaking, pumping, pouring, emitting, emptying, leaching, dumping or disposal of a regulated substance, such as fuel, into groundwater, surface water or subsurface soils

What if I discover a leak?

Immediately upon discovery of any evidence of a leak from a tank system or dispensing system you must take all measures necessary to stop the leak and to prevent migration of any free product into the environment. You should also contact your Weights and Measures Inspector. Contact information can be found on our [website](#).

What if I discover a release?

- Immediately upon confirming any suspected release or discovering any obvious release, you must investigate the extent of contamination, and undertake corrective and mitigation actions in accordance with [s. 292.11 \(3\), Stats](#), which requires that a person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state
- Contact your Weights and Measures Inspector. Contact information can be found on our [website](#)
- You must immediately report any release of a regulated substance to the Wisconsin Department of Natural Resources (DNR) at 1-800-943-0003
 - See the DNR fact sheet for reporting spills here: <https://dnr.wi.gov/DocLink/rr/RR560.pdf>
- You must take action to prevent further release of the regulated substance to the environment, and no later than 21 business days after reporting a release, you must submit documentation to the DNR demonstrating you have:
 - Removed and safely stored as much of the regulated substance from the tank system as necessary to prevent further release to the environment
 - Taken steps to prevent migration of the substance, including managing any contaminated soils or water
- No later than 21 business days after reporting a release, you must submit documentation to the DNR demonstrating you have taken steps to prevent further release to the environment and prevent migration of the substance, and demonstrating that the corrective and mitigation actions which were taken have accomplished or will accomplish all of the following:
 - Restoration of the environment to the extent practical
 - Minimization of the harmful effects from the release to the air, lands or waters of Wisconsin
- Any repairs or changes to a tank system that are made because of a release must be reported to DATCP within 21 business days of completing the repair or change